

Senate Bill No. 2044

Passed the Senate August 19, 1998

Secretary of the Senate

Passed the Assembly August 11, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 7583.9, 7583.10, and 7583.11 of, and to add Section 7583.43 to, the Business and Professions Code, relating to private patrol operators.

LEGISLATIVE COUNSEL'S DIGEST

SB 2044, Rainey. Private patrol operators.

Existing law, known as the Private Security Services Act, provides, among other things, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services, and requires employees of those licensees who perform the function of a security guard or security patrolperson to apply for registration with, and submit 2 classifiable fingerprint cards and the appropriate registration fee to, the bureau within 3 working days after they are first compensated, as specified. Existing law provides that an employee of a licensee may, subject to specified exceptions, be assigned to work with a temporary registration card, generally valid for no more than 120 days, until the bureau issues a registration card or denies the application for registration.

This bill would require that employees of licensees, upon accepting employment by a private patrol operator, submit a completed registration application and the fingerprint cards, along with the appropriate registration fee, to the bureau within 3 business days. It would authorize the bureau to permit applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. It would provide that a private patrol operator is not precluded from withholding the amount of the registration fee from an applicant's compensation if the operator pays that fee.

The bill would require an employee to display the registration card or temporary registration card, as specified. This bill would also require a private patrol operator to notify his or her clients in writing, that security guards possessing temporary registration cards



have not completed a full criminal history investigation through the Department of Justice. The bill would require that the temporary registration card have printed on its face in bold letters, in a form determined by the Director of the Bureau of Security and Investigative Services, a disclosure statement that the holder of the card has not completed a full criminal history investigation and that his or her criminal history is unknown. This bill would state legislative findings and declarations.

Existing law makes it a crime to violate any of the provisions of the Private Security Services Act. By adding new requirements within that act with respect to the registration of security guards and security patrol persons, this bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) There have been several documented cases of security guards who have committed serious crimes while working with a temporary registration issued by employers pending a criminal history investigation. Many of these guards had failed to disclose criminal histories that would preclude registration by the Bureau of Security and Investigative Services within the Department of Consumer Affairs.

(b) More than 2,500 security guards a year, who were issued temporary registrations, have had their registrations revoked because of a criminal history that was unreported in the initial application.



(c) The current system which permits employers and trainers of security guards to issue temporary registration to security guards without a prior criminal background check jeopardizes the health, welfare and safety of the public, clients who contract for security guard services, and coworkers.

(d) Under existing practices, clients who use security guards may not be informed as to the existence of the criminal history status of security guards possessing temporary registrations.

(e) Existing technology and administrative processes may not permit timely criminal history investigations for applicants when private patrol operators and clients have an urgent need for security.

(f) This act is intended to ensure that clients who contract for security guards are aware that security guards working with a temporary registration have not been screened for criminal histories.

(g) This act is an interim step toward the eventual elimination of temporary registrations at that time when technological advances make timely criminal background investigations possible before applicants actually commence employment.

SEC. 2. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards. The applicant shall submit the application and fingerprints along with the appropriate registration fee to the bureau within three business days.

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.



(c) The licensee shall maintain supplies of applications and fingerprint cards which shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic fingerprints as provided in this section, the Department of Justice shall determine whether the applicant has been convicted of any crime and forward the information to the bureau.

SEC. 3. Section 7583.10 of the Business and Professions Code is amended to read:

7583.10. The application shall be verified and shall include all of the following:

(a) The full name, residence address, telephone number, and date of birth of the employee.

(b) The name, address, telephone number, and license number of the employer and the date the employment commenced.

(c) The signature of the employee and the employer's certification that the employee has received a course in the exercise of the power to arrest.

(d) A statement as to whether the employee has been convicted of a misdemeanor, excluding minor traffic violations.

(e) A statement as to whether the employee has been convicted of a felony.

(f) The application fee provided for in this chapter or the regulations adopted pursuant thereto, except as provided in Section 7583.9.

SEC. 4. Section 7583.11 of the Business and Professions Code is amended to read:

7583.11. (a) Except as provided in subdivision (b), an employee of a licensee may be assigned to work with a temporary registration card which indicates completion of the course in the exercise of the power to arrest until the bureau issues a registration card or denies the application for registration. A temporary registration card shall in no event be valid for more than 120 days. However, the director may extend the expiration date beyond the 120 days at any time when there is an abnormal delay in processing applications for prospective security guards. For purposes of this section, the 120-day period shall commence on the date the applicant signs the application.

(b) An employee who has been convicted of a crime prior to applying for a position as a security guard shall not be issued a temporary registration card and shall not be assigned to work as a security guard until the bureau issues a permanent registration card. This subdivision shall apply only if the applicant for registration as a security guard has disclosed the conviction to the bureau on his or her application form, or if the fact of the conviction has come to the attention of the bureau through official court or other governmental documents. In no event shall the director, the department, the bureau, the chief, or the State of California be liable for any civil damages in the event of the issuance of a temporary registration where the applicant has falsified his or her application to conceal a prior criminal conviction.

(c) A temporary registration card issued pursuant to this section shall include the name, address, and license number of the private patrol operator employer or training facility that issued the temporary registration card.



(d) An employee shall, on the first day of employment, display to the client his or her registration card or temporary registration card, when it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card or temporary registration card upon the request of the client.

SEC. 5. Section 7583.43 is added to the Business and Professions Code, to read:

7583.43. (a) A private patrol operator shall notify his or her client in writing that security guards possessing temporary registration cards have not completed a full criminal history investigation through the Department of Justice. The temporary registration card shall have printed on its face in bold letters a disclosure statement, in a form determined by the director, that the holder has not completed a full criminal history investigation and that his or her criminal history is unknown.

(b) This section does not apply to a security guard possessing a valid permanent security guard registration issued under this chapter.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Approved _____, 1998

Governor

